

ESTTA Tracking number: **ESTTA660447**

Filing date: **03/11/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Workers United, SEIU		
Entity	Unincorporated association	Citizenship	New York
Address	12 West 31st Street New York, NY 10001 UNITED STATES		

Correspondence information	Susan M. Jennik Counsel Kennedy, Jennik & Murray, P.C. 113 University Place, 7th floor New York, NY 10003 UNITED STATES sjennik@kjmlabor.com Phone:212-358-1500
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Applicant Information

Application No	86083660	Publication date	02/10/2015
Opposition Filing Date	03/11/2015	Opposition Period Ends	03/12/2015
Applicant	MIDDLE BROTHER INC 1920 TALMADGE ST LOS ANGELES, CA 90027 UNITED STATES		


Goods/Services Affected by Opposition

Class 025. First Use: 2013/07/08 First Use In Commerce: 2013/08/20 All goods and services in the class are opposed, namely: Apparel for dancers, namely, tee shirts, sweatshirts, pants, leggings, shorts and jackets; Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Beanies; Caps; Children's and infant's apparel, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments; Children's and infants' apparel treated with fire and heat retardants, namely, jumpers, overall sleepwear, pajamas, rompers and one-piece garments; Children's headwear; Gloves for apparel; Headwear; Helmet liners; Leather headwear; Skullies; Sun visors; Visors

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
The mark is deceptively misdescriptive	Trademark Act section 2(e)(1)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3949512	Application Date	05/10/2010
Registration Date	04/19/2011	Foreign Priority Date	NONE
Word Mark	WORKERS UNITED		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2009/03/21 First Use In Commerce: 2009/03/21 LABOR UNIONS; ASSOCIATION SERVICES, NAMELY, PROMOTION OF THE INTERESTS OF LABORUNION MEMBERS		

Related Proceedings	none
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Attachments	85034595#TMSN.png(bytes) Notice of Opposition Statement.pdf(68523 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Susan M. Jennik/
Name	Susan M. Jennik
Date	03/11/2015

Workers United, Serial No. 85034595

Workers United, SEIU (“WU”) holds a trademark to the name “Workers United” which was registered on April 19, 2011. WU is a labor union which represents employees of employers which have entered into a collective bargaining agreement with WU. It has an interest in promoting the interests of workers in various industries, including the garment industry.

Middle Brother, Inc. (“Middle Brother”) does not have a collective bargaining agreement with WU, or any of its affiliates. The trademark proposed by Middle Brother “Workers United Union Labor” is deceptive and confusing because it falsely suggests a connection with WU which does not exist and would lead the public to believe that the workers employed by Middle Brother are represented by WU when they are not. WU has a priority on the use of the mark “Workers United” and the use of the proposed mark “Workers United Union Labor” would interfere with the work of WU, lead to WU being held in disrepute, and deceive and confuse the public.

The proposed mark by Middle Brother violates Sections 2(a) and (d) of the Trademark Act and should not be permitted.